

E-NOTE #145 - CalWORKS Educational Opportunity and Attainment Program Funding

February 9, 2018

References: ACL 17-115 (November 20, 2017) California Work Opportunity and Responsibility to Kids (CalWORKs) Program: CalWORKs Educational Opportunity and Attainment Program

This E-Note is intended to provide judges with additional information pertaining to the CalWORKs Educational Opportunity and Attainment (EOA) Program authorized by SB 89 beginning on or after January 1, 2018.

The education incentive awards and education stipends authorized under the CalWORKs EOA program are not entitlement benefits. County Welfare Departments (CWDs) are required to comply with the provisions of the CalWORKs EOA program only to the extent funding for the program is allocated. When CalWORKs EOA program funding is exhausted, CWDs are not required to expend any other funds for the provision of the CalWORKs EOA program.

The State Hearings Division has been informed that most counties have exhausted their allocation of EOA funds and have therefore issued notices of action informing applicants that their EOA program application has been denied due to funding no longer being available. If an applicant requests a state hearing on such a denial, the county appeals representative must present sufficient evidence to show that the county's allocation of EOA program funds had been depleted prior to the denial of the claimant's EOA program application. There is no state hearing jurisdiction to award EOA program benefits to a claimant in this circumstance.

A claimant, however, may request a state hearing on the merits of the county's action to deny EOA program benefits due to a reason other than a lack of program funding. Using principles of equity, a county may be ordered to provide an education incentive award or education stipend to an applicant, even where the county has depleted its allocation of EOA program funding, if it is determined that such an application would have been approved absent county error. A finding about the county error must be set forth in the state hearing decision, together with the ALJ's reasoning in support of the finding.